
STATUTORY INSTRUMENTS

2014 No. 1796

**The Daventry International Rail Freight
Interchange Alteration Order 2014**

PART 1

Preliminary

Citation and commencement

1. This Order may be cited as the Daventry International Rail Freight Interchange Alteration Order 2014 and will come into force on 24th July 2014.

Interpretation

2.—(1) In this Order—

“the 1961 Act” means the Land Compensation Act 1961(1);

“the 1965 Act” means the Compulsory Purchase Act 1965(2);

“the 1980 Act” means the Highways Act 1980(3);

“the 1990 Act” means the Town and Country Planning Act 1990(4);

“the 1991 Act” means the New Roads and Street Works Act 1991(5);

“the 2008 Act” means the Planning Act 2008;

“access and rights of way plan” means the plan certified as the access and rights of way plan by the Secretary of State for the purposes of this Order;

“address” includes any number or address used for the purposes of electronic transmission;

“apparatus” for the purposes of articles 11 (street works) and 23 (apparatus and rights of statutory undertakers in stopped up streets) has the same meaning as in Part 3 of the 1991 Act;

“associated companies” has the same meaning as in section 256 (associated bodies corporate) of the Companies Act 2006(6);

“authorised development” means the development described in Schedule 1 (authorised development) and any other development authorised by this Order which is development within the meaning of section 32 of the 2008 Act;

“the book of reference” means the book of reference certified by the Secretary of State as the book of reference for the purposes of this Order;

“bridleway” has the same meaning as in the 1980 Act;

(1) 1961 c. 33.
(2) 1965 c. 56.
(3) 1980 c. 66.
(4) 1990 c. 8.
(5) 1991 c. 22.
(6) 2006 c. 46.

“building” includes any structure or erection or any part of a building, structure or erection;

“carriageway” has the same meaning as in the 1980 Act;

“cycle track” has the same meaning as in the 1980 Act (7);

“the design and access statement” means the document certified by the Secretary of State as the design and access statement for the purposes of this Order;

“development consent obligation” means the development consent obligation entered into under section 106 (planning obligations) of the 1990 Act (8) dated 16th December 2013 in respect of the authorised development and any subsequent amendment to the obligation;

“DIRFT I Estate” means the land shaded blue on the Location Plan (Document 2.1) certified by the Secretary of State as the location plan for the purposes of this Order;

“electronic transmission” means a communication transmitted—

- (a) by means of an electronic communications network; or
- (b) by other means but while in electronic form;

“the environmental statement” means the document certified by the Secretary of State as the environmental statement for the purposes of this Order;

“footpath” and “footway” have the same meaning as in the 1980 Act;

“the framework plans” means the Main Site and Rail Corridor Plans (Documents 2.7A to C) the Schedule of Parameters (Document 2.7D), the Rail Framework Plans (Documents 2.10A and 2.10B) and the Highway Works Framework Plans (Documents 2.13A, B, D to F) certified as the framework plans by the Secretary of State for the purposes of this Order;

“highway” and “highway authority” have the same meaning as in the 1980 Act;

“the land plans” means the Main Site and Rail Land Plans (Documents 2.2A to C) and the Highway Mitigation Land and Works Plans (Documents 2.4A, B, D to J) certified as the land plans by the Secretary of State for the purposes of this Order;

“maintain” includes inspect, repair, adjust, alter, remove, clear, refurbish, reconstruct, decommission, demolish, replace or improve and any derivative of “maintain” is to be construed accordingly;

“main site” means that part of the land within the Order limits lying to the east of the A5 and north of the DIRFT I Estate;

“Order land” means the land shown on the land plans which is within the Order limits in respect of which rights are to be acquired and described in the book of reference;

“the Order limits” means the limits shown on the works plans represented by a red line within which the authorised development may be carried out;

“owner”, in relation to land, has the same meaning as in the Acquisition of Land Act 1981(9);

“public footpath scheme” means a scheme agreed between the highway authority and the undertaker containing the specification for the public footpaths or bridleways which are to be permanently or temporarily provided within the main site;

“railway” has the same meaning as in the 2008 Act;

“rail alignment plans” means the illustrative rail alignment plans (Documents 2.9 C to E) certified as the rail alignment plans by the Secretary of State for the purposes of this Order;

(7) The definition of “cycle track” was amended by section 1 of the Cycle Tracks Act 1984 (c. 38) and paragraph 21(2) of Schedule 3 to the Road Traffic (Consequential Provisions) Act 1988 (c. 54).

(8) Section 106 was substituted by section 12(1) of the Planning and Compensation Act 1991 (c. 34) and subsequently amended by section 33 of the Greater London Authority Act 2007 (c. 24), section 174 of the Planning Act 2008 (c. 29) and paragraphs 1 and 3 of Schedule 2 to the Growth and Infrastructure Act 2013 (c. 27).

(9) 1981 c. 67.

“rail served warehousing” means warehousing to which goods can be delivered by rail either directly or by means of another form of transport;

“relevant highway authority” means, in any provision of this Order, the highway authority for any area of land to which that provision relates;

“relevant planning authority” means the district planning authority for the area in which land to which the provisions of this Order apply is situated and in respect of the requirements means the district planning authority in whose administrative district the part of the authorised development to which the requirement relates is located;

“relevant street authority” means, in any provision of this Order, the street authority for any area of land to which that provision relates;

“relocation works” means work executed, or apparatus provided, under paragraph (2) of article 23 (apparatus and rights of statutory undertakers in stopped up streets);

“requirements” means the requirements set out in Schedule 2 (requirements), and references to numbered requirements are references to the corresponding paragraph number in Schedule 2;

“statutory undertaker” means a statutory undertaker for the purposes of section 127(8) of the 2008 Act;

“statutory utility” means a statutory undertaker for the purposes of the 1990 Act or a public communications provider as defined in section 151(1) of the Communications Act 2003(10);

“street” means a street within the meaning of section 48 of the 1991 Act, together with land on the verge of a street or between two carriageways, and includes part of a street;

“street authority” in relation to a street, has the same meaning as in Part 3 of the 1991 Act;

“Transport Review Group” means the body to be established under paragraph 5 of Part 2 of Schedule 1 to the development consent obligation;

“undertaker” means—

- (a) Rugby Radio Station Limited Partnership (company number LP009085, registered at 1 Poultry, London, EC2R 8EJ) and Prologis UK Limited (company number 02872273, registered at 1 Monkspath Hall Road, Solihull, West Midlands, B90 4FY) and their associated companies; and
- (b) subject to article 7 (benefit of order), any other person who has the benefit of this Order in accordance with section 156 of the 2008 Act for such time as that section applies to that person;

“watercourse” includes all rivers, streams, ditches, drains, canals, cuts, culverts, dykes, sluices, sewers and passages through which water flows except a public sewer or drain; and

“the works plans” means the Main Site and Rail Works Plans (Document 2.3A to C) and the Highway Mitigation Land and Works Plans (Documents 2.4A, B, D to J) certified as the works plans by the Secretary of State for the purposes of this Order.

(2) References in this Order to rights over land include references to rights to do, or to place and maintain, anything in, on or under land or in the air-space above its surface.

(3) All distances, directions and lengths referred to in this Order are approximate and distances between points on a work comprised in the authorised development are taken to be measured along that work.

(4) References in this Order to numbered works are references to the works as numbered in Schedule 1.

(5) All areas described in square metres in the book of reference are approximate.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.
